

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST LOUIS DIVISION

IN THE MATTER OF

Jacob W. Phillips  
Jessica A. Phillips  
aka Jessica Ann Phillips,

DEBTORS

IN PROCEEDINGS  
UNDER CHAPTER 7

NO. 19-30485  
JUDGE: Grandy

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND FOR ABANDONMENT

NOW COMES Wells Fargo Bank, N.A., by and through its attorneys, Shapiro Kreisman & Associates, LLC, and moves for the entry of an order modifying the automatic stay, pursuant to 11 USC 362(d) and for abandonment, and in support thereof states as follows:

1. The Debtors filed a Chapter 7 Petition on April 17, 2019.
2. The Movant is a creditor of the Jacob Phillips', pursuant to a note that is secured by a mortgage on the real property commonly known as: 628 N Third Street, Dupo, IL 62239.
3. As of April 24, 2019, the Debtors were in default under the terms of the note and the mortgage for failure to make the monthly installment payment that came due on November 1, 2018, in the amount of \$711.89 and each subsequently accruing monthly installment. That default does not include attorneys' fees, costs of collection and other advances and it does not constitute reinstatement.
4. The indebtedness due the Movant as of April 24, 2019, was \$78,834.80 after

applying all offsets and credits due the Debtors.

5. The Debtors' Schedule A / B, dated April 17, 2019, suggests that the fair market value of the property is approximately \$75,000.00.

6. Jacob Phillips executed a promissory note secured by a mortgage or deed of trust dated February 24, 2012. Both Debtors executed the mortgage. The promissory note is either payable to the Movant or has been duly endorsed. The Movant, directly or through an agent, has possession of the promissory note. The Movant is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust. The Mortgage was recorded on March 2, 2012, as instrument #A02304257.

7. The Movant lacks adequate protection in that there is no equity in the premises and that Jacob Phillips is not making payments to the Movant as required by the mortgage and the note.

8. The subject property is not necessary for an effective reorganization and the Movant is entitled to relief pursuant to 11 USC 362(d).

9. The Movant adopts the facts set forth in the Statement Pursuant to Local Rule 4001-2 as additional allegations in support of this motion.

10. The Movant wishes to be reimbursed for the costs and attorneys' fees of filing this motion.

11. Robert Eggmann, the Trustee of the Debtors' estate has not filed a Report of No Distribution.

12. For the reasons set forth above, it would be inequitable to delay the enforcement

of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, Wells Fargo Bank, N.A. prays that this Court enter an order modifying the automatic stay to allow said creditor to foreclose the mortgage on the property known as: 628 N Third Street, Dupon, IL 62239 or to take action, with respect to this real property, as set forth under applicable non-bankruptcy law such as modification, short sale, and other loss mitigation options; and that the property be deemed abandoned by the Trustee of the Debtor's estate, and that Federal Bankruptcy Rule 4001(a)(3) be waived.

Respectfully submitted,

/s/ Richard B. Aronow  
Attorney for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Parties listed below at the addresses listed below. Said copies were placed in envelopes addressed as listed below and placed in the U.S. Mail on May 24, 2019, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Richard B. Aronow

Richard B. Aronow

Notified via Electronic Filing

U.S. Trustee, 401 Main Street, Suite 1100, Peoria, IL 61602

Robert E Eggmann, 1606 Eastport Plaza Dr, Suite 110, PO Box 869, Collinsville, IL 62234

Ronald Allan Buch, Ronald A Buch and Associates, 5312 W Main St, Belleville, IL 62226

Notified via US Postal Service

Jacob W. Phillips, 510 Florence Ave, Dupu, IL 62239

Jessica A Phillips, 510 Florence Ave, Dupu, IL 62239

\*\*See attached list of creditors

Richard B. Aronow ARDC# 03123969

Michael N. Burke ARDC#6291435

Shapiro Kreisman & Associates, LLC

2121 Waukegan Road, Suite 301

Bannockburn, IL 60015

(847) 291-1717

Attorneys for Movant

19-090493

**The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.**

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STATEMENT PURSUANT TO LOCAL RULE 4001-2

1. To the best of Movant's knowledge or belief, there are no entities or parties which have a legal or equitable interest in the property commonly known as 628 N Third Street, Dupo, IL 62239.
2. Movant is the holder of the note secured by the mortgage on the property commonly known as 628 N Third Street, Dupo, IL 62239.
3. The balance due as of April 24, 2019 is \$78,834.80.
4. The mortgage which secures the property commonly known as 628 N Third Street, Dupo, IL 62239 was recorded on March 2, 2012 as document number A02304257.
5. The value of the property which subject to the motion for relief is \$75,000.00 and the basis of this value is the Voluntary Petition under Schedule A/B dated April 17, 2019.

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EXHIBIT SUMMARY AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion for Relief from the Automatic Stay and for Abandonment of Wells Fargo Bank, N.A. are available upon request.

Movant will bring exhibits to any scheduled Court hearing on this matter.

1. Mortgage
2. Note
3. Assignment of Mortgage

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/s/ Richard B. Aronow

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